

MISSOURI WORKFORCE INVESTMENT ACT - Complaint Guide

STEP 2

If the decision fails to satisfactorily resolve the grievance, the complainant has five (5) days from the receipt of the program operator's decision to present a written request for an impartial hearing and review of the decision. The program operator must ensure that a qualified hearing officer conducts an impartial hearing, within thirty (30) days of the original receipt of the written grievance. The complainant and respondent (if not the program operator) will be provided with a written notice of the date, time, and place of the hearing and all parties will have the opportunity to present evidence and to be represented by an attorney.

The hearing officer is to present a written decision to the program operator, which in turn issues its decision to the complainant/respondent. In any case, the program operator must issue a written decision within sixty (60) days of its original receipt of the written grievance. If the decision fails to satisfactorily resolve the grievance, a party to the grievance may request a State review under the procedures outlined in Step 3.

If the program operator fails to issue this written decision to the complainant/respondent within sixty (60) days of its original receipt of the written grievance, the complainant has the right to request a State review under the procedures outlined in Step 3.

STEP 3

To request a State review, the disappointed party must submit its request, in writing, to:

Division of Workforce Development
421 E. Dunklin, P.O. Box 1087
Jefferson City, MO 65102

This written request must be received by DWD not more than ten (10) days after the disappointed party received the written decision from the program operator or, if no decision was rendered, within fifteen (15) days of the date on which the decision should have been received (60 days from the date initially filed).

The review process performed by DWD may be conducted by its own staff, a licensed attorney through an impartial hearing or any other means of independent review or investigation. DWD will provide a written final decision to the parties within sixty (60) days of the date that the request for review was received.

APPEALS TO THE SECRETARY OF LABOR

Should DWD fail to issue a written final decision within sixty (60) days of receipt of the request, the disappointed party may request from the Secretary of Labor a determination as to whether reasonable cause exists to believe that the Act or its regulations have been violated.

This request must be filed within sixty (60) days of the date the final decision should have been issued from DWD. The complaint should contain the following:

- 1. The full name, address and telephone number of the person making the complaint;
- 2. The full name, address and telephone number of the respondent against whom the complaint is made;
- 3. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;
- 4. The provision(s) of the Act or regulations believed to have been violated;
- 5. A statement disclosing whether any other proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority and, if so, the date of such commencement or conclusion, the name and address of the authority and style of the case; and
- 6. A statement of the date the complaint was filed with DWD, the date on which DWD should have issued a final decision, and an attestation that no decision was issued.

A request will be considered to have been filed when the Secretary receives from the disappointed party a written statement sufficiently precise to evaluate the complaint and the grievance procedure utilized by the State and Statewide program operator.

LABOR STANDARD COMPLAINTS

Complainants may:

- a. Exhaust the non-criminal administrative process by submitting the complaint directly to DWD for review and disposition within sixty (60) days; or
- b. Submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties so provides. If sixty (60) days expires with no decision or an adverse decision is rendered, the complaint may be submitted to the U.S. Department of Labor that may change, reverse or issue a final decision.

CRIMINAL COMPLAINTS

Complaints alleging fraud, abuse or criminal activity must be immediately reported to the Department of Labor, Office of Inspector General-Investigation, 200 Constitution Avenue NW, Washington, DC 20510-55514. The hotline number is 1-800-347-3756. The required incident report forms are available through the program operator or from DWD. Program operators must simultaneously notify DWD of the filing of any incident report with the Office of Inspector General.

NON-WIA REMEDIES

In any case where the alleged violation of the Act or regulations is also an alleged violation of another law, nothing in this process shall prohibit an individual or an organization from filing a complaint or grievance with the appropriate authority under that law.

PROHIBITION AGAINST REPRISAL

No person, organization or agency may discharge or in any other manner discriminate or retaliate against any person or deny to any person a benefit to which that person is entitled because such person has filed any complaint, instituted or caused to be instituted any proceedings under or relating to the Act, has testified or is about to testify in any proceedings or investigation or has provided information or assisted in any investigation.

CONFIDENTIALITY OF INFORMATION

The identity of any person who has furnished information relating to or assisting in the investigation of a possible violation of the Act shall be kept confidential to the extent possible consistent with the need to conduct a fair review of the issues. For further information or assistance, please telephone or write to your WIA contact person listed below.

Contact Name

Program Operator

Address

CityStateZip

Phone

E-Mail

Auxiliary aids and services are available upon request to individuals with disabilities.

Alternate formats for non-English speaking individuals available upon request.

The Missouri Division of Workforce Development is an Equal Opportunity Program/Employer.

Missouri Division of Workforce Development
421 E. Dunklin, PO Box 1087
Jefferson City, MO 65102-1087
(573) 751-4750
TDD 1-800-735-2966

DWD-100 (2-05) A/I/P

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
DIVISION OF WORKFORCE DEVELOPMENT

421 E. Dunklin, P.O. Box 1087
Jefferson City, Missouri 65102-1087
(573) 751-4750
TDD 1-800-735-2966

Acknowledgment of Receipt

I have received a copy of the Workforce Investment Act Complaint/Grievance Procedure pamphlet, have been given an opportunity to ask questions and by my signature below, I declare that I fully understand the procedure.

Signature

Date

Signature of WIA Staff Issuing Pamphlet

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INTRODUCTION

This brochure describes the complaint and grievance process for programs and activities conducted by the Division of Workforce Development (DWD) statewide program operators. Four types of complaints are covered by this brochure:

1. Discrimination Complaints;
2. Program Complaints;
3. Labor Standard Complaints; and
4. Criminal Complaints.

Other than the following paragraphs applicable to all complaints, the method(s) for filing a complaint of each of these types is separately addressed in this brochure.

ALL COMPLAINTS

Any complaint must be submitted in writing and signed by the complainant or complainant's representative. It should include: your name, address and telephone number (or specify another means of contacting you), a detailed description of the complaint incident(s) indicating when, where and what acts comprise the basis of the complaint, individual names(s) or organization(s) responsible, and what relief is sought. Complaints should be filed immediately after the complaint incident so that your rights will not be jeopardized due to untimely filing and so that the complaint may be promptly resolved. All time frames in this brochure refer to calendar days. Assistance and forms for filing such complaints are available through the program operator or the Division of Workforce Development.

DISCRIMINATION COMPLAINTS

Applicants, eligible applicants, participants, applicants for employment, employees and members of the public, including those with disabilities, and unions or professional organizations holding collective bargaining or professional agreements with DWD may file discrimination complaints using the following procedure. Exhaustion of the state's administrative remedies is recommended for expediency in complaint resolution.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:
Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity.

- The recipient must not discriminate in any of the following areas:
- Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;
 - Providing opportunities in, or treating any person with regard to, such a program or activity; or
 - Making employment decisions in the administration of, or in connection with, such a program or activity.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Melissa Woltkamp, Equal Opportunity Officer
Missouri Department of Economic Development
Division of Workforce Development
421 E. Dunklin, P.O. Box 1087
Jefferson City, Missouri 65102-1087
Phone: (573) 526-8241 Fax: (573) 526-5782

OR

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210

If you file your complaint with the recipient (DWD), you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Attachment 4 (cont.)

RELIGIOUS ACTIVITIES

Participants may not be employed under WIA to carry out the construction, operation or maintenance of any facility that is used or is to be used for religious instruction or worship. Participants who believe that they are being employed in violation of this prohibition may file a complaint in the same manner and subject to the same procedures as in the section, "What To Do If You Believe You Have Experienced Discrimination."

PROGRAM COMPLAINTS

If you believe you have been unjustly denied any benefit or service allowed under the Workforce Investment Act (WIA) or have reason to believe any of the following situations has occurred: a violation of the Act, federal regulations, as well as those arising from actions such as state-level audit findings or disallowance, or the imposition of sanctions taken by the Governor with respect to state audit findings, investigations or monitoring reports; The Workforce Development Act requires that statewide program operator procedures (Steps 1 and 2) must first be exhausted before a complaint may be escalated to the State (DWD). Likewise, State level procedures must be exhausted before escalating a complaint to the U.S. Department of Labor except in complaints alleging discrimination.

NON-PARTICIPANT COMPLAINTS

The Workforce Investment Act permits program operators, contractors, grantees, sub-grantees, sub-recipients, subcontractors, and any other interested party to file grievances about programs or activities under the law using this procedure.

PARTICIPANT COMPLAINTS

During orientation, participants are informed whether they will file any employment-related complaint through their employer's grievance procedure or the DWD program operator's procedures, as described in Step 1 and 2. If the employer's procedure is used, the time frames and steps contained therein will be adhered to.

For all non-employment related grievances or if a participant is unable to satisfactorily resolve any employment related grievance with his/her employer, the participant must utilize the procedures contained in this brochure to seek further resolution.

STEP 1

The complainant will file the grievance in writing with the program operator. The program operator has seven (7) days from the date the written grievance is received to investigate and provide a written decision to the complainant and respondent.